

**CITY OF NEWBERG CITY COUNCIL MINUTES
FEBRUARY 1, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

A Work Session was held prior to the meeting. A presentation was given by the Newberg Downtown Revitalization Committee (NDRC) for a budget proposal. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:01 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Bob Larson
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
	Jessica Nunley, Assistant Planner	Jennifer Nelson, Recording Secretary
	David Beam, Economic Development Planner	

Others

Present: Julie Fugate, Sid Friedman, Sydney C. Wermlinger, Lewis Schaad, Grace Schaad, Vicki Shepherd, Amy L. Does, Lee Does, Saj Jivanjee, and Ken Wegter.

III. FLAG CEREMONY PERFORMED BY BOY SCOUT TROOP 265

The Flag Ceremony was performed.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

VII. APPOINTMENTS

Consider a motion approving **Resolution No. 2010-2884** appointing Larry Blake, Jr. as the Newberg Municipal Judge.

MOTION: Shelton/Rierson to approve Resolution No. 2010-2884 appointing Larry Blake, Jr. as the Newberg Municipal Judge. (7 Yes/0 No) Motion carried.
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Mayor Andrews swore in Mr. Larry Blake, Jr. as Newberg's Municipal Judge.

V. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, gave updates on the selection process for a general contractor for the animal shelter and the money granted to the Yamhill County Housing Authority, which was received by the City of Willamina. He spoke of efforts being made with the County to develop a Continuity of Operations Plan in the

event of a natural disaster. He informed the Council the Dayton pump station overflowed this weekend because of equipment failure; the Oregon Department of Environmental Quality (DEQ) was notified and clean up efforts are being made. He noted this as an example of why the City has been putting together the rate structures it has because they have been dealing with problems like this on a regular basis.

VI. PUBLIC COMMENTS

None.

VIII. CONSENT CALENDAR

1. Consider a motion approving a **Proclamation** declaring the week of February 7, 2010, as Scouting Anniversary Week.
2. Consider a motion approving **City Council Minutes** for January 4, 2010.

MOTION: Shelton/McKinney to approve the Consent Calendar including a proclamation declaring the week of February 7, 2010, as Scouting Anniversary Week and the City Council Minutes for January 4, 2010. (7 Yes/0 No) Motion carried.

Mayor Andrews presented the proclamation to Boy Scout Troop 265.

IX. PUBLIC HEARING

Consider a motion approving **Ordinance No. 2010-2723** adopting the revised Newberg Economic Opportunities Analysis and amends the Comprehensive Plan.

TIME – 7:17 PM

Mr. Barton Brierley, Planning and Building Director, presented the staff report assisted by Ms. Jessica Nunley, Assistant Planner (see official meeting packet for full report).

Mayor Andrews asked if some of the land parcels are owned by private parties, if those owners have prerogative, and if the City would have control over the development. Staff replied some are privately owned and each owner can decide what is appropriate for them; there could be issues with landowners who do not wish to sell.

Mayor Andrews asked for an interpretation of the growth percentage projections. Staff replied the projections were not based on a fixed number and included other components. They were adopted in 2005 and last year the actual numbers were only off by eleven people over four years, so they are really close.

Councilor Wade Witherspoon suggested three minor corrections to the report. On page 24 under new business recruitment he wished to expand the phrase “bring new wealth to the community” to include the idea of increasing livability. On page 35 in the third paragraph he asked staff to elaborate on how the shared vision for Yamhill County is being worked on together; staff replied it was a quote from the community development plan and they are doing this through things like the City/County dinner and phone calls to business prospects. Councilor Witherspoon also asked for changes to be made to page 58 to expand the phrase “Newberg continues to support Newberg School District, George Fox University, and Portland Community College” to include “all schools in Newberg”.

Councilor Marc Shelton asked if adjustments were being made to the population estimates based on the economic climate and homes not being built on land annexed into the City. Staff replied the amendments are simply to update the information from the 2006 numbers to the current 2009 data.

Councilor Stephen McKinney spoke of using the population figures now to determine livability and sustainability and to control the kind of community they all envision for Newberg when the growth and changes start to occur.

Councilor Shelton asked staff if they were adjusting the figures for utility expansion based on the current economic climate. Staff replied there may be a slight reduction in growth because of the economy but they are sticking with the numbers because they will be accurate over time.

Discussions followed as to whether or not to accept several pieces of written testimony submitted this evening. Many of the Councilors felt it was too much (over ten pages) to be comfortable accepting it into the record when they have not had time to read it.

Councilor Shelton asked the citizens who submitted the written testimony if they would be able to cover the information during their oral testimony.

Mr. Sid Friedman, representing 1000 Friends of Oregon, stated he planned to summarize the material he submitted, but would not go into the details.

Mr. Lee Does replied he was planning to give a different perspective during his oral testimony than what was in the written testimony he submitted. He also argued there was nothing published by notice or on the website that there was a deadline for submitting written testimony.

Ms. Amy L. Does stated her written testimony was exactly what she planned to say tonight.

MOTION: Shelton/Larson to not accept the written comments into the record.

Councilor Bart Rierson did not feel he could fairly deliberate or comment on the written material submitted this evening since it was much more than a single page. He hoped the citizens could cover the material during their verbal testimony.

Councilor McKinney spoke of upholding the actions of the previous Councils for over eight years in order to protect the integrity of the process by not accepting the written material; but, he also did not feel it nullified the citizens' efforts or points of view since they would still be heard tonight.

Councilor Witherspoon asked the City Attorney to explain what the danger was in accepting something this late when it could not be read before making a decision.

Mr. Terrence Mahr, City Attorney, explained that if it is accepted and not read, it becomes evidence that by law must be taken into account. There could be something within the material not addressed which could have changed the outcome. There is a rule in place stating the Council can reject any written testimony and the citizens are present to testify, so Council has the right to reject it.

Mr. Friedman argued the published notice in The Graphic and the website both had nothing about limiting written material and if the concern was to be able to read the material, this is a legislative hearing and there are no deadlines stating action must be taken tonight; deliberations could be extended to another evening.

Mayor Andrews stated there are published Council rules which state speakers may submit written material at a meeting but the Council can choose to consider it or not.

Councilor Shelton felt it was not necessary to accept the written testimony since the citizens were present to speak this evening.

VOTE: To not accept the written comments into the record. (5 Yes/1 No [Andrews]/1 Abstain [Witherspoon])
Motion carried.

Mayor Andrews opened public testimony.

Ms. Julie Fugate, representing Dennis and Janice Pierce, Roland and Goldie Flock, and Connie Grey, said she supported the Economic Opportunities Analysis (EOA) and spoke of statewide planning goal 9 and the need to prevent a housing shortage for the high population numbers resulting from the large number of children from the Baby Boom generation. She recommended adopting the EOA and amendments as presented to plan for job growth and housing.

Opponents:

Mr. Friedman stated he had strong objections to the written testimony not being included. He spoke of targeting Newberg for manufacturing as being wishful thinking and urbanization of farmland into industrial land. He spoke of the high sales and profits from Newberg farming and the required site characteristics in the EOA being reverse engineered. He talked about the parcels sizes and how it limits smaller businesses on smaller sites. He spoke of the EOA excluding properties adjacent to large tracts of agricultural land and any truck traffic to the downtown even though 99W is considered a major arterial on the transportation plan and as a freight route on the Oregon Highway Plan which he says is inconsistent. He said the job density is lower than what is in the text and spoke of problems with the commercial site characteristics not being explained so therefore not being justified. He spoke of items not being properly coordinated with Yamhill County because they are not in the comprehensive plan or referenced in any documents. He also argued that the additional amendments to the comprehensive plan were not included in the notice for the hearings and no explanations provided for citizens to determine if they were reasonable so the amendments are not justified. Finally, he argued the rule should be sited about submitting written testimony.

Ms. Sidney Wermlinger spoke of designing roads to go from the farm to the market and access to I-5, travel time, and road to the proposed manufacturing park already being overloaded which is contrary to the report. She said farmland is a precious commodity and wished to save the farmland from the label of being “shovel ready”.

Mr. Lewis Schaad expressed concern for industrial and commercial building land citing the City of Gresham as an example of bringing in land for one purpose that goes undeveloped. He spoke of the lack of infrastructure making it difficult to make the land appealing to industry. He spoke of energy efficiency and sustainability industries that do not require large parcels of flat farmland. He said farmland needs to be protected until the time comes when the business comes and said that just because someone chooses to farm does not make that farmland.

Ms Grace Schaad testified that the EOA is being used to “reverse engineer” the destruction of prime farmland that should be used for providing food for human consumption. She spoke of characteristics being identified for industry that will be needed some time in the future and saying that saying only land within the South Industrial Master Plan meets them is bogus. She suggested looking for land already available for infill or refill to attract manufacturing to the City such as the vacated “Suntron” campus and other examples. She spoke of valuing the agricultural lands for eating locally, attracting tourists, and providing the “small town quality of life” desired.

Ms. Vicki Shepherd spoke of different areas in Oregon being known for something and stated that Newberg is known for its wine industry. She said agriculture is Oregon's second largest industry and it is a vital part of what makes Newberg the city it is. She felt we should be managing our natural resources in a way that allows future generations to produce crops to sustain their families. She encouraged Council to not approve the EOA.

Ms. Amy L. Does, Ph. D., stated the EOA has faults because it pushes acreage-intensive manufacturing that will displace agriculture. She spoke of agriculture's importance to economic sustainability and tourism and how urban growth boundaries are causing more agriculture to be lost. She encouraged the City to reevaluate the EOA and the amount of acreage really necessary for Newberg's future.

Mr. Lee Does spoke of working in robotics and the industries that survive being ones that cannot be taken overseas. He spoke of things grown here like heirloom tomatoes and how agriculture is recession proof. He spoke of what is doing well in Newberg like providing education and tourism. He did not agree with committing lands for something that does not yet exist which would cause farmers to disinvest in their property in order to hold out for the payoff from developers. He also objected to the written testimony not being accepted.

Mr. Saj Jivanjee spoke of his frustration with the analysis and the idea of creating industrial land from land that already has current value. He felt more focus should be on sustainability and spoke of the unique topography of the area not being conducive for industrial use, especially when it is successful agriculturally. He said the world is changing and people need to become smarter and more scientific about sustainability. He felt industry is archaic and felt more could be done with one computer rather than huge parcels of industrial land.

Councilor Denise Bacon spoke of California being dependent on agriculture and the problems they are experiencing with climate changes and lack of water.

Mr. Jivanjee argued California over-consumed and not they are paying the price. He felt Newberg should go with the global trend to create ways to sustain and restore natural resources, not develop fear-based models for a big factory to make everyone live happily ever after. He suggested creating something unique. He also spoke of rethinking housing so that not every person needs "one ton of metal around their neck to buy one piece of bread".

Mr. Ken Wegter said he wished to speak on behalf of the wildlife in the area. He felt the growth was limited by the nature of the area and spoke of the land's attractiveness that brings people in. He did not feel Newberg would attract the industries because of its location and felt the majority of people come here for the agriculture. He encouraged the Council to consider the wildlife.

Mr. Brierley responded to some of the comments made during the testimony about industry being adjacent to residential areas causing conflict in the past and protecting the downtown from increased truck traffic. In regards to Gresham they lacked the services and were unable to attract industry which is a lesson to be learned from for Newberg, which is why site suitability was put into the report. He spoke of the Nike apparel warehouse as an example of how Newberg benefits from their executives eating, shopping and playing golf here. He spoke of agriculture being important and mentioned a food processing business that almost had to leave Newberg because of the lack of suitable industrial sites to expand. He said he appreciated the testimony and recommended adopting the ordinance with the changes previously mentioned. On page 24 in paragraph two will change from "bring new wealth" to "bring new resources to maintain and improve the livability of the community". On page 58 in the second bullet changes are as follows "to support the Newberg School District, George Fox University, Portland Community College, and other public and private schools in efforts to train and motivate".

Councilor Shelton asked staff to elaborate on the work that was recognized by the state land use board. Staff spoke of the previous ad hoc committee on Newberg's future which held public events and received input on what residents of Newberg wanted in terms of growth and industry. The main goal was to make Newberg a place to live and work and land needed to be provided to do this. The south industrial plan areas were recommended as the vision of the ad hoc committee and as a result of this extensive public process.

Councilor Bacon asked what was being done to bring businesses here.

Mr. David Beam, Economic Development Planner, spoke of the recruitment process for potential leads being conducted by marketing teams from companies via websites. Proposals are submitted if matches are found. But the primary way is through business expansion of already established companies.

Mayor Andrews asked if the EOA was carved in stone if it is adopted tonight. Staff replied it is not permanent considering this is a revision of the 2006 version and changes are being made based on current information and in the future modifications can be made to adapt to changes.

Councilor Shelton clarified this was just an amendment to what was approved in 2006 by a previous council. Staff replied this was correct.

Mayor Andrews closed the public hearing and recessed at 9:26 PM. He reconvened at 9:35 PM.

MOTION: Shelton/Larson to approve Ordinance No. 2010-2723 adopting the revised Newberg Economic Opportunities Analysis and amends the Comprehensive Plan read by title only.

Councilor McKinney thanked the speakers and clarified approving this motion is not asking him to vote for or against agriculture or industry and felt the EOA represented a small portion of the Council's goals. He is thankful it is a dynamic document, not static, so changes can be made in the future to reflect what actually happens. He felt this was a springboard to go from and spoke of the need for incremental steps.

Councilor Bacon said she appreciated the work done by both sides and spoke of a vision that needs to consider both the environment and the citizens without jobs. She said this decision will not pave every inch of land tomorrow. If the manufacturing comes then land will be available, until then it can be farmed. She supported the motion.

Councilor Rierson supported the ordinance based on the work that has been done before tonight and the support received from the citizens of Newberg to protect the small town quality as well as providing jobs for the families that live here.

Councilor Witherspoon recognized the work done by the Planning Commissioner (PC) which heard both sides and wrestled with the testimonies. He saw that it was a difficult process by reading minutes. He supports the ordinance.

Councilor Shelton appreciated the citizens stepping up and doing work behind the scenes. He also said he is not against agriculture at all, nor is he against business and economic opportunity. He felt staff heard the voices of the citizens of Newberg and he appreciated the vision and work that went into a plan that makes sense and works down the road.

Councilor Larson said he was on the council that approved this in 2006 and he approves of the amendments tonight. He said so much has to be done yet and so many changes have happened, but he feels it is mostly for the good.

Mayor Andrews said he also adopted the original and that these are only updates. He was concerned for viable businesses being lost from Newberg because their needs could not be met here. He is in favor of the ordinance and amendments.

VOTE: To approve **Ordinance No. 2010-2723.** (7 Yes/0 No) Motion carried.

X. NEW BUSINESS

None.

XI. COUNCIL BUSINESS

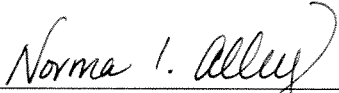
TIME – 9:59 PM

Brief discussions followed about rumors of making McKay Road a toll road and a comment about moving truck traffic off of 99W as a Council goal that may conflict with how the road is designated at the state level.


XII. ADJOURNMENT

The meeting adjourned at 10:12 PM.

ADOPTED by the Newberg City Council this 1st day of March, 2010.


Norma I. Alley, City Recorder

ATTEST by the Mayor this 4th day of March, 2010.


Bob Andrews, Mayor